

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:18-cr-00129-01

MARY HAYNES,

Defendant.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Defendant's letter-form *Motion* (Document 197) requesting a review of her case to determine whether she is eligible for a decrease in status points pursuant to Amendment 821. The Court construes her filing as a motion, brought pursuant to 18 U.S.C. §3582(c)(2), to reduce her sentence based on a subsequent reduction in the applicable sentencing guideline.


On November 1, 2023, a multi-part criminal history amendment designated as Amendment 821 in Appendix C to the *Guidelines Manual* became effective. Part A of the amendment addresses status points, decreasing them by one point for individuals with seven or more criminal history points and eliminating status points for those with six or fewer criminal history points. Subpart 1 of Part B creates a new §4C1.1 guideline that provides a decrease of two offense levels for "Zero-Point Offenders" (those with no criminal history points) whose offense did not involve specified aggravating factors. Parts A and B, subpart 1 of the criminal history amendment both have retroactive effect.

The Court has received and considered the original Presentence Investigation Report (PSR), original Judgment and Commitment Order and Statement of Reasons, plea agreement, and addendum to the PSI from the Probation Office (Document 198). Nothing in the PSR indicates that the Defendant committed this offense while subject to a criminal justice sentence, and she did not receive criminal history points for status. She was sentenced as a career offender, which increased her criminal history category from V to VI. Because she did not receive status points, Amendment 821 does not impact her Guideline calculation and she is not eligible for relief.

After careful consideration, the Court **ORDERS** that the Defendant's letter-form *Motion* (Document 197) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: December 4, 2024


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA